
JANUARY 4, 1809.

Read the first and second time, and committed to a committee of the whole House, on Friday next.

A Bill,

Conferring certain powers, relative to roads and bridges, on the levy court for the county of Washington, in the district of Columbia.



1 Sec. 1. *BE it enacted by the Senate and House of Representatives*
2 *of the United States of America, in Congress assembled, That*
3 the levy court for the county of Washington, in the district of
4 Columbia, be, and hereby are vested with full power to lay out
5 and repair public roads, and to erect and repair bridges, within
6 the said county, except within the corporate limits of the city of
7 Washington and George-town, under the conditions hereinafter
8 prescribed.

1 Sec. 2. *And be it further enacted, That the levy court be*
2 empowered to lay out and mark roads through any part of the
3 said county; *Provided, they shall not exceed one hundred feet in*
4 width, and shall not pass through any building, garden or yard,
5 without the consent of the owner: a reasonable compensation,
6 if required by the owner, shall be made for the land thus con-
7 demned, which shall be fixed in the following manner: On lay-
8 ing out and marking any road, six weeks notice thereof shall be
9 given in some public print published in the county. In case any

10 owner of land, through which the said road passes, shall require
11 compensation therefor, he shall, within two weeks thereafter, ap-
12 ply to the levy court, who may agree with him for the purchase
13 thereof; and in case of disagreement, or in case the owner shall
14 be a feme covert, under age, or non-compos, or out of the coun-
15 ty, on application to any justice of the county, to be made within
16 two weeks after the expiration of the aforesaid two weeks, the
17 said justice shall issue his warrant, under his hand, to the mar-
18 shal of the district of Columbia, commissioning him to summon
19 twelve freeholders, inhabitants of the county, not related to the
20 said owner, or in any manner interested, to meet on the land to
21 be valued at a day to be expressed in the warrant, of which ten
22 days notice shall be given by the marshal to the levy court, and
23 to the owner of the said land, or left at his place of abode, or
24 given to his or her guardian, if an infant, or if out of the county,
25 by publishing notice thereof for six weeks in some public print
26 of the county; and the marshal, on receiving the said warrant,
27 shall summon the said jury, and, when met, shall administer an
28 oath or affirmation to every jurymen, who shall swear, or affirm,
29 as the case may require, that he will justly, faithfully and impar-
30 tially, value the land, and all damages the owner thereof will
31 sustain by the road passing through the same, having regard to
32 all circumstances of convenience, benefit, or disadvantage, ac-
33 cording to the best of their skill and judgment, and the inquisi-
34 tion thereupon taken shall be signed by the marshal and seven
35 or more of the said jury, and shall be conclusive, and the same

shall be returned to the clerk of the county to be by him recorded at the expense of the levy court; and the valuation expressed in such inquisition shall be paid by the said levy court to the owner of the land, or his legal representative, before the levy court shall proceed to open the said road: in case no such application shall be made within the aforesaid periods, the land thus appropriated shall be adjudged to be conclusively condemned, and no compensation be thereafter required therefor.

Sec. 3. *And be it further enacted*, That the levy court, as soon as they shall have laid out, marked, and opened a road, and complied with the foregoing provisions, shall return the courses, bounds, and plat thereof, to the clerk of the county, to be by him recorded at the expense of the said court; and the said road, so laid out and returned as aforesaid, shall be thereafter taken, held and adjudged, a public road and common highway.

Sec. 4. *And be it further enacted*, That in all cases where stone, gravel, or other materials, shall be necessary for making or repairing a road, the levy court may agree with the owner for the purchase of the same, or with the owner of the land on which the same may be for the purchase of the said land; and in case of disagreement, or in case the owner should be a feme covert, under age, or non compos, or out of the county, on application to a justice of the county, may proceed in all respects in the same manner for condemning the said materials for the use of said road, as in the like cases where lands are directed to be taken and condemned as aforesaid for making the said road; and the said par-

12 ties respectively shall have the same benefit and advantage of
 13 the said proceedings as they have under and in virtue of the said
 14 provision for condemning land hereinbefore mentioned.

1 Sec. 5. *And be it further enacted,* That if a road shall be car-
 2 ried through any fields of ground in actual cultivation, such fields
 3 shall not be laid open, or used as a public road, until after the
 4 usual time of taking off crops then growing thereon.

1 Sec. 6. *And be it further enacted,* That if any person shall alter
 2 or change, or in any manner obstruct or encroach on a public
 3 road, or cut down or destroy any turnpike gate, or cut, destroy,
 4 deface, or remove any mile-stones set up on said road, or put or
 5 place any rubbish, dirt, logs, stones, or any other obstruction in
 6 the said road, or make any pit or hole therein, such person may
 7 be indicted in the circuit court for the district of Columbia, and,
 8 being thereof convicted, shall be fined, or imprisoned, in the dis-
 9 cretion of the court, according to the nature of the offence.

1 Sec. 7. *And be it further enacted,* That the levy court shall, for
 2 the aforesaid purposes, annually lay a tax on all the real and per-
 3 sonal property in the said county, any existing law to the contrary
 4 notwithstanding, which tax shall not exceed twenty-five cents,
 5 nor be less than eight cents, in the hundred dollars; for the col-
 6 lection of which they are empowered to appoint the necessary
 7 agents, and to use all the means now in force for the collection of
 8 other taxes in the said county.

1 Sec. 8. *And be it further enacted,* That the levy court shall
 2 have power to turnpike any of the public roads in the said county.

3 and to require tolls for travelling thereon; or to authorize an
 4 individual, or an association of individuals to make such turnpike
 5 roads, or any of them, and to require tolls for travelling thereon;
 6 on such terms, and subject to such regulations, as the said court
 7 may prescribe: *Provided*, that the right be retained by congress,
 8 or the levy court, to abolish said tolls, on paying to those who
 9 shall have made the road the full amount of all expenditures,
 10 with ten per centum per annum thereupon, inclusive of the
 11 dividends received, for the time when the sums for defraying
 12 the same were advanced: or to regulate the tolls in such manner,
 13 that a greater average clear annual dividend, to be computed from
 14 the periods of such advances, than fifteen per centum shall not be
 15 made.

1 Sec. 9. *And be it further enacted*, That for the purposes afore-
 2 said, the said levy court shall be, and are hereby incorporated,
 3 and constituted a body corporate and politic, by the name of the
 4 levy court for the county of Washington, and by the same shall
 5 have succession; and the said levy court, and their successors,
 6 by the name aforesaid, may sue and be sued, answer and be
 7 answered, in any court at law or equity in the said county, and
 8 may do and execute every other matter and thing by the name
 9 aforesaid, that they are authorized to do in virtue of this act, and
 10 shall have power to make a seal, and alter, or break and renew the
 11 same, according to their will and pleasure.

1 Sec. 10. *And be it further enacted*, That the said levy court
 2 are hereby authorized to grant the like corporate powers to any
 3 association of persons which may be formed for the purposes

4 aforesaid, and to limit, as they shall judge proper, the period of
5 the same.

1 Sec. 11. *And be it further enacted,* That the said levy court be
2 empowered, for the above purposes, to borrow and expend such
3 sums of money as they shall be able to redeem out of two-thirds
4 of the proceeds of the aforesaid taxes, as may be laid during a
5 period of seven years subsequent to such loan.

1 Sec. 12. *And be it further enacted,* That the said levy court be
2 empowered to guarantee to any individual or company, constituted
3 as aforesaid, a clear dividend of five per centum per annum on the
4 amount of the sums expended for making any road as aforesaid,
5 for any period not exceeding seven years thereafter, and to provide
6 for forming the sums thus advanced into a stock transferable at
7 the pleasure of the owners.